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## BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF  
YUMA COUNTY, ARIZONA FOR THE UNION  
PACIFIC RAILROAD TO WIDEN AN EXISTING  
CROSSING OF THE UNION PACIFIC  
RAILROAD AT 10<sup>TH</sup> STREET, IN THE CITY OF  
YUMA, YUMA COUNTY, ARIZONA, M.P. 733.6.

DOCKET NO. RR-03639A-01-0003

DECISION NO. 63544**OPINION AND ORDER**

DATE OF HEARING: February 27, 2001  
PLACE OF HEARING: Phoenix, Arizona  
ADMINISTRATIVE LAW JUDGE: Marc E. Stern  
APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal Division, on  
behalf of the Utilities Division of the Arizona  
Corporation Commission.

**BY THE COMMISSION:**

On December 22, 2000, Yuma County ("County") submitted to the Arizona Corporation Commission ("Commission") a request for approval to widen an existing crossing by the Union Pacific Railroad Company ("Railroad") of its track at 10<sup>th</sup> Street in Yuma, Arizona at mile post 733.6 ("Application"). The County requested approval to construct on behalf of the Railroad. The Application was docketed January 2, 2001.

On February 13, 2001, by Procedural Order, the Application was set for hearing and the County was ordered to notify any interested party of the Application and the hearing.

On February 27, 2001, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was taken under advisement pending submission of a Recommended Opinion and Order to the Commission.

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the

1 Commission finds, concludes, and orders that:

2 **FINDINGS OF FACT**

3 1. On December 22, 2000, the County filed an Application in which it requested an  
4 Opinion and Order from the Commission with respect to an agreement between the County and the  
5 Railroad for the widening of an existing crossing by the Railroad as the roadway is widened from two  
6 to four lanes with sidewalks, curbs and gutters, on both sides at 10<sup>th</sup> Street in Yuma, Arizona, at  
7 milepost 733.6.

8 2. A hearing was held as scheduled on February 27, 2001.

9 3. On February 22, 2001, the County filed certification that written notice had been  
10 mailed to all interested parties of the Application and hearing thereon as ordered in the Commission's  
11 Procedural Order. Subsequently, no objections to the Application were received by the Commission.

12 4. The Application provides for the Railroad to upgrade the existing crossing as the  
13 roadway is widened from two to four lanes with sidewalks, curbs and gutters.

14 5. Staff testified that the cost for the installation of the crossing upgrade as provided in  
15 the Application is proper and will be fully paid for by the County.

16 6. Staff has recommended that the Application be approved.

17 **CONCLUSIONS OF LAW**

18 1. The Commission has jurisdiction over the parties and over the subject matter of the  
19 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and  
20 40-337.01.

21 2. Notice of the Application was provided in accordance with the law.

22 3. Installation of the crossing upgrade is necessary for the public's convenience and  
23 safety.

24 4. The Application should be approved as recommended by Staff.

25 5. After the widening of the crossing, the Railroad should maintain the crossing in  
26 accordance with A.A.C. R14-5-104.

27 ...

28 ...

**ORDER**

IT IS THEREFORE ORDERED that Yuma County's Application is hereby approved.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad Company shall maintain the crossing in compliance with A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.



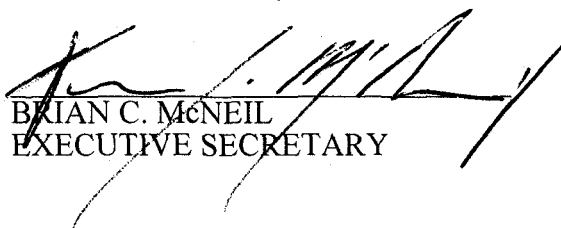
CHAIRMAN



COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 30<sup>th</sup> day of March 2001.



BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT  
MES:mlj

1 SERVICE LIST FOR:

UNION PACIFIC RAILROAD

2 DOCKET NO.:

RR-03639A-01-0003

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